

# REGENTS BOARD[681]

## Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby amends Chapter 1, "Admission Rules Common to the Three State Universities," Iowa Administrative Code.

This amendment revises paragraph 1.4(2)"b" to bring the public universities into compliance with the Home Base Iowa Initiative as well as with the federal Veterans Access, Choice, and Accountability Act of 2014 (Choice Act).

Notice of Intended Action regarding this amendment was published in the Iowa Administrative Bulletin as **ARC 2176C** on September 30, 2015. No public comment was received. One change has been made to the amendment published under Notice of Intended Action. The words "or certificate" were added to the first sentence of subparagraph 1.4(2)"b"(1) to be consistent with the introductory paragraph of 1.4(2)"b."

The Board of Regents adopted this amendment on December 2, 2015.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Board finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective December 23, 2015. This amendment confers a benefit on the public by bringing language into full compliance with all federal laws, including Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act).

A waiver provision is not included. The Board has adopted a uniform waiver rule, which may be found at 681—19.18(17A).

After analysis and review of this rule making, a positive impact on jobs could exist. This rule making allows qualifying veterans, their spouses/domestic partners, and their dependents to be classified as residents for the purpose of receiving in-state tuition. This rule making provides that veterans will be allowed to receive veterans' benefits; therefore, veterans may be attracted to the state for their postsecondary education and decide to remain in the state after graduation. This rule making reduces tuition costs for veterans and their spouses and dependents and thereby provides them opportunities for postsecondary education allowing them the opportunity to obtain better paying jobs.

This amendment is intended to implement Iowa Code section 262.9(3).

This amendment became effective December 23, 2015.

The following amendment is adopted.

Amend paragraph **1.4(2)"b"** as follows:

*b.* Additional guidelines are used in determining the resident classification of a veteran, qualified military person, and ~~children and spouses of a veteran or qualified military person~~ other qualified individuals for purposes of admission and undergraduate, graduate, ~~or professional, or certificate~~ or certificate tuition and mandatory fees:

(1) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the child or spouse/domestic partner of such person, is entitled to resident status for purposes of undergraduate, graduate, ~~or professional, or certificate~~ or certificate tuition and mandatory fees. The child or spouse/domestic partner may be required to submit appropriate documentation to the university.

(2) ~~A veteran who is eligible for benefits or has exhausted benefits under any federal program authorizing veteran educational benefits is entitled to resident status for purposes of undergraduate, graduate, or professional tuition and mandatory fees. The child or spouse/domestic partner of a veteran who meets these requirements is entitled to resident status for undergraduate, graduate, or professional tuition.~~ The rules for classification of veterans and qualified individuals shall be in full compliance with all federal laws, including Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act). ~~The child or spouse/domestic partner~~ qualified individual may be required to submit appropriate documentation to the university.

(3) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the child or spouse/domestic partner of such a

person, is entitled to resident status. The child or spouse/domestic partner may be required to submit appropriate documentation to the university. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/23/15.